

| | | |
|--------------------------|-----------------|--------------|
| Interview Summary | Application No. | Applicant(s) |
| | 08/982559 | Cahill |
| | Examiner | Art Unit |
| | John Guarriello | 1771 |

All participants (applicant, applicant's representative, PTO personnel):

- (1) Terrel Morris, spe
(2) John J. Guarriello
(3) Terryence F. Chapman
(4) _____

Date of Interview: 7/10/2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 911.

Identification of prior art discussed: Minnick 5,048,778, 5,451,451; Kelch et al. 5,695,870.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____

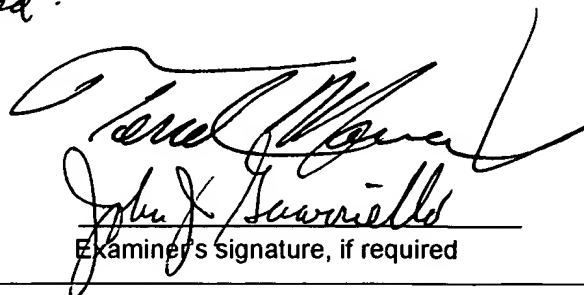
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

This Interview Summary will be considered a response to the rejection of 4/22/2003, paper #26. Applicant's formal Interview Summary of points discussed will be a part of this record*. Applicant clearly discussed how the prior art of record did not disclose or suggest a woven polymer fabric as well as a woon polymer fabric directly bonded to the first layer as claimed.

* Attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

7/10/03 #27

From: FLYNN, THIEL, BOUTELL & TANIS, P.C.

2026 Rambling Road

Kalamazoo, Michigan 49008-1699 U.S.A.

Telephone: 269-381-1156

Facsimile: 269-381-5465

VIA FACSIMILE:

TOTAL PAGES 3

Date: July 8, 2003

To: UNITED STATES PATENT AND TRADEMARK OFFICE

Attention: Examiner Guarriello

Fax No. (703) 872-9471

Group 1771

Re: Applicant : John CAHILL
For : LAMINATE WALL STRUCTURE
Serial No.: 08/982 559
Filed : December 2, 1997
Our Ref. : NSP Case 5

Kindly notify Examiner Guarriello at (703) 308-3209 as soon as this document has been received for purposes of letting him know that this document is available for his consideration.

Thank you.

Dear Examiner Guarriello:

This communication is being sent to you in order to set forth the positions I will discuss during the interview on July 10, 2003.

The status of the present application is that a non-final rejection has been made by you after the filing of Responses on January 27, 2003 and September 6, 2002 and an Appeal Brief on February 7, 2002.

Three references have been cited against the currently pending claims, Minnick U.S. Patent No. 5 098 778, Minnick U.S. Patent No. 5 451 451 and Kelch et al U.S. Patent No. 5 695 870. Currently, Claims 2-45 are pending in the present application. Claims 23, 3-8 and 10 have been rejected under 35 USC 102(b) as being anticipated by Minnick 5 098 778. Claims 23, 2, 15-22, 24, 25 and 27-45 have been rejected under 35 USC 103(a) as being unpatentable over Kelch in view of Minnick '451.

With respect to the rejection of Claims 23, 3-8 and 10 as being anticipated by Minnick '778, Claim 23 is directed to a wall structure containing a first layer having a density of

7/10/03
2:15pm

08/982 559

Fax to Examiner Guarriello
NSP Case 5July 8, 2003
Page 2

0.5 to 3 pounds per cubic foot and a second reinforcing layer of a woven polymer fabric directly bonded to the first layer. While Minnick '451 discloses a laminate comprising a core of polymeric foam laminated between two parallel fiber-reinforced thermoplastic resin layers, there is no disclosure in this reference of a woven polymer fabric let alone a woven polymer fabric directly bonded to the first layer. Therefore, Claims 23, 3-8 and 10 are clearly not anticipated by this reference and, in fact, this reference does not even make a showing of prima facie obviousness with respect to the subject matter of these claims.

The Kelch et al reference discloses a panel of plastic foam material and first and second thermoplastic facer films adhered to at least one and preferably both primary surfaces of the panel. In the discussion of the prior art, it is disclosed in column 1, lines 32-37, that a non-woven polymer fabric can be applied as a facing material to at least one side of a foam board to strengthen it. There is no showing in Kelch et al of the equivalency between non-woven polymeric fabrics and woven polymeric fabrics. Additionally, as admitted by the Examiner, the Kelch reference has no disclosure with respect to a cellulosic layer being laminated to a second reinforcing layer selected from the group consisting of a polymer fabric and a biaxially oriented polymeric film which is directly bonded to the low density layer.

To supply these teachings, Minnick '451 has been cited. This particular Minnick reference discloses a laminate having a fiber reinforced thermoplastic material 2 provided between two parallel sheets of fiber reinforced thermoset resin 1 and 1a. While Minnick '451 does disclose that the sheets of fiber reinforced thermoset resin 1 and 1a can be a phenolic modified epoxy thermoset resin impregnated into cotton linter paper, there is no disclosure in this reference of this thermoset sheet being laminated to a reinforcing layer of a biaxially oriented film or a polymeric fabric as required by Claim 27. In fact, there is no disclosure in Minnick '451 of either a biaxially oriented polymeric film or a polymer fabric. Therefore, the mere suggestion of a thermoset resin impregnated cotton linter paper in Minnick '451 would not suggest to one of ordinary skill in the art that it would be desirable to use this thermoset resin sheet next to the presently claimed reinforcing layer in a laminate.

An isolated disclosure in one reference of one of the layers of the presently claimed laminate does not provide the motivation in and of itself to combine it in the fashion required by the present claims. "Obvious-to-try" is not the proper standard to be used in determining patentability under 35 USC 103. There must be some suggestion in the secondary reference regarding the desirability of making the combination of the teachings disclosed therein with the teachings of the

08/982 559

Fax to Examiner Guarriello
NSP Case 5

July 8, 2003
Page 3

primary reference. There is no such suggestion in Minnick '451.

The positions outlined above set forth Applicants' opinions with respect to the prior art cited by the Examiner and will be discussed in the interview.

Yours truly,

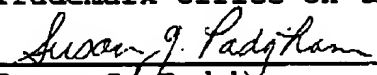

Terryence F. Chapman

TFC/smd

Encl: None

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper and the above-listed enclosures (if any) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Signature  Date July 8, 2003
Susan G. Padgham